

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

TODD COPENHAVER and AMBER
COPENHAVER,

Plaintiffs,

vs.

CAVAGNA NORTH AMERICA,
INC., AMERIGAS PROPANE, L.P.,
ALBERTSONS, LLC., BLUE RHINO
CORPORATION., and DOES 1-10,

Defendants.

CV 19-71-BLG-SPW-TJC

ORDER

A status conference was held in this case on May 4, 2020. (Doc. 81.)

Multiple motions and issues relating to discovery, sanctions, and vacating/amending the scheduling order were discussed. As a result of the conference, IT IS ORDERED:

1. With respect to Plaintiffs' Motion to Compel and for Sanctions (Doc. 63), Plaintiffs advised that some additional discovery materials and responses have been provided by Defendant Cavagna North America, Inc. (Cavagna) since they filed their motion to compel, but assert that certain production remains inadequate. Plaintiff also maintains that sanctions in the form of fees and costs should be awarded under Fed. R. Civ. P. 37. Therefore, it was agreed that Plaintiffs will file

a supplement to their Motion to Compel no later than **Friday, May 29, 2020**, specifically setting forth the discovery Cavagna has failed to provide. Cavagna shall file a response no later than **Friday, June 12, 2020**. Cavagna's response must also address Plaintiffs' request for sanctions.

Prior to filing, the parties shall comply with L.R. 26.3(c)(1) and further meet and confer by telephone concerning all disputed issues. Each of the parties shall include in their respective filings their meet and confer efforts since Cavagna's supplemental responses were provided, including the amount of time spent in telephonic discussion pursuant to Local Rule 26.3(c)(1).

2. Defendant Running Supply, Inc., has been dismissed as a defendant (Doc. 74). Therefore, Running Supply's Motion to Vacate the Scheduling Order (Doc. 66) is DENIED as MOOT.

3. Cavagna's Motion to Vacate Scheduling Order (Doc. 69) is GRANTED with respect to deadlines in the November 5, 2019 Scheduling Order. (Doc. 17.) The following schedule will govern all further pretrial proceedings:

Disclosure of Plaintiff's
Damages Expert and Simultaneous
Disclosure of Liability Experts:

August 3, 2020

Disclosure of Defendant's
Damages Experts:

September 4, 2020

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Disclosure of Rebuttal Experts: **30 days after disclosure of the expert report being rebutted**

Discovery Deadline (discovery must be served so that responses are due on or before this date): **November 6, 2020**


Motion for Settlement Conference Before a U.S. Magistrate Judge: **November 6, 2020**

Motions Deadline (except motions otherwise scheduled): **December 18, 2020**

All other provisions in the Scheduling Order (Doc. 17) remain in full force and effect.

IT IS ORDERED.

DATED this 4th day of May, 2020.



TIMOTHY J. CAVAN
United States Magistrate Judge